

UNITED STATES DISTRICT COURT

for the
District of New HampshireU.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MICHAEL RUDNICK

Petitioner

v.

Case No. _____

*(Supplied by Clerk of Court)*NEW HAMPSHIRE DEPARTMENT OF
CORRECTIONS, HELEN HANKS COMMISSIONER,
PAULA MATTIS DIRECTOR, MEGAN SHERMAN PPO*Respondent**(name of warden or authorized person having custody of petitioner)*

MAR 20 2024

FILED

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Michael Rudnick
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: New Hampshire State Prison for Men Secure Psychiatric Unit
(b) Address: 281 N, State Street, Concord, NH 03301
(c) Your identification number: 68826
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): Not guilty by reason of insanity (NGRI) Civilly committed

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☒ Other (explain): Punishment without conviction, lifetime parole without medical supervision making decisions

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Department of Corrections Division of Medical and Forensic Services 281 N. State St. Concord, NH 03301(b) Docket number, case number, or opinion number: 68826

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

My removal from a medical Nursing facility and incarceration in the absence of due process.(d) Date of the decision or action: 03/19/2024**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: I have been incarcerated for 7 days NAKED with no toilet paper in the infirmary of the New Hampshire State Prison for Men (NHSPM) Secure Psychiatric Unit (SPU) and they have refused writing instruments to me.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: I have been incarcerated for 7 days NAKED with no toilet paper in the infirmary of the New Hampshire State Prison for Men (NHSPM) Secure Psychiatric Unit (SPU) and they have refused writing instruments to me.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: I have been incarcerated for 7 days NAKED with no toilet paper in the infirmary of the New Hampshire State Prison for Men (NHSPM) Secure Psychiatric Unit (SPU) and they have refused writing instruments to me.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Not guilty by reason of insanity (NGRI) Civilly committed

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Due Process

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

My removal from a Skilled Nursing Facility (SNF) and incarceration in the absence of due process.

Subsequently locked in the infirmary 24 hours a day. Held NAKED for 7 days without toilet paper. By order of Megan C. Sherman PPO of New Hampshire Department of Corrections (NHDOC) in the absence of clinical indication of dangerousness to self or others. Not at the request of the SNF.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Punishment without conviction

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

NGRI incarceration and lifetime parole by NHDOC

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Deprivation of property

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

All of my property was taken and I was left NAKED. My Social Security was just restarted because I was formerly incarcerated at the NHSPM SPU on a NGRI finding. While incarcerated I don't receive my Social Security benefit

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Unsafe facility

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

On January 13, 2022 Joan Hart NGRI Coordinator for NHSPM-SPU testified in Merrimack Superior Court that I was unsafe at SPU.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I have been incarcerated for 7 days (Solitary Confinement) NAKED with no toilet paper in the infirmary of the New Hampshire State Prison for Men (NHSPM) Secure Psychiatric Unit and they have refused writing instruments to me.

Request for Relief

15. State exactly what you want the court to do: provide an injunction that this is unconstitutional. Return me to Glenclyff Nursing facility. Order a lawyer be appointed for me. Such other relief as the court deems just and proper.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 03/28/2024

Signature of Petitioner

/s/ Wanda Duryea for Michael Rudnick pro se
Signature of Attorney or other authorized person, if any

FILED
DISTRICT OF NH
2024 MAR 29 P 12:37
24 HOUR DEPOSITORY

U. S. Dist. Court (NH)
Clerk of Court Office, Rm. 110
55 Pleasant Street
Concord, NH 03301

ATT. EMERGENCY FILING

03/29/24 (Fri.)